

On September 15, 2015, Cephus moved for a sentence reduction under 18 U.S.C. § 3582(c)(2), U.S.S.G. § 1B1.10, and Amendment 782. See [D.E. 87]. On September 16, 2015, Cephus filed a memorandum of law in support of his motion for a sentence reduction [D.E. 88]. Cephus's new advisory guideline range is 110 to 137 months' imprisonment, based on a total offense

level of 25 and a criminal history category of VI. See Resentencing Report. Cephus requests a 118-month sentence. See id.; [D.E. 88] 5.

The court has discretion to reduce Cephus's sentence under Amendment 782. See, e.g., Dillon v. United States, 560 U.S. 817, 827 (2010); United States v. Peters, 843 F.3d 572, 574 (4th Cir. 2016); United States v. Patterson, 671 F. App'x 105, 105–06 (4th Cir. 2016) (per curiam) (unpublished); United States v. Cole, 618 F. App'x 178, 178–79 (4th Cir. 2015) (per curiam) (unpublished); United States v. Thomas, 546 F. App'x 225, 225–26 (4th Cir. 2013) (per curiam) (unpublished); United States v. Perez, 536 F. App'x 321, 321 (4th Cir. 2013) (per curiam) (unpublished); United States v. Smalls, 720 F.3d 193, 195–97 (4th Cir. 2013); United States v. Mann, 709 F.3d 301, 306–07 (4th Cir. 2013); United States v. Stewart, 595 F.3d 197, 200 (4th Cir. 2010). In deciding whether to reduce Cephus's sentence, the court finds that Cephus engaged in serious criminal behavior. See PSR [D.E. 26] ¶¶ 9–10. Moreover, Cephus is a recidivist and has convictions for possession of cocaine (three counts), possession of a handgun, possession with intent to sell or deliver cocaine, and trafficking cocaine by possession. See id. ¶¶ 9–32. Cephus also has performed poorly on supervision and has a spotty work history. See id. ¶¶ 24, 28, 34, 60–70. Nonetheless, Cephus has taken some positive steps while incarcerated on his federal sentence. See Resentencing Report; cf. Pepper v. United States, 562 U.S. 476, 491 (2011).

Having reviewed the entire record and all relevant policy statements, the court finds that Cephus received the sentence that was “sufficient, but not greater than necessary” under 18 U.S.C. § 3553(a). Further reducing Cephus's sentence would threaten public safety in light of his serious criminal conduct and serious criminal history. Cf. U.S.S.G. § 1B1.10, cmt. n.1(B)(ii). Thus, the court denies Cephus's motion for reduction of sentence under Amendment 782. See, e.g., Patterson,

671 F. App'x at 105–06; Cole, 618 F. App'x at 178–79; Thomas, 546 F. App'x at 225–26; Perez,
536 F. App'x at 321.

In sum, the court DENIES Cephus's motion for reduction of sentence [D.E. 87].

SO ORDERED. This 15 day of May 2018.



JAMES C. DEVER III
Chief United States District Judge